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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2584 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL

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SHREE SANSKAR KELAVNI MANDAL

Versus

DIRECTOR

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Appearance:

MR JV MEHTA for Petitioner

GOVERNMENT PLEADER for Respondent No. 1, 2

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CORAM : MR.JUSTICE B.C.PATEL

Date of decision: 01/03/99

ORAL JUDGEMENT

Petitioner, Sanskar Kelavani Mandal, through its Secretary has preferred this petition praying for "an appropriate writ, order or direction, directing the respondents to release the due and payable grant of the petitioner by making the payment of grant".

2. Mr. Mehta, learned advocate for the petitioner submitted that he hostel is being run in accordance with the rules and by malafide exercise of powers, orders are passed by the authority concerned. Learned advocate invited my attention to an order passed on 12th August 1996. It appears that on 25.9.1995 against 40 students, only 27 students were present, while on 31.1.1996, no student was present as stated. 10 students of primary school and 15 students of middle school have submitted application forms for scholarship. On 31.1.1996, out of 25 students, only 20 were present. Certificate is also issued by the Principal. In the same campus, hostel for boys and girls are being run, which is contrary to the provisions. Despite this irregularity, Deputy Secretary, Social Welfare Department passed an additional order to

the effect that there will be separate provision for the hostel for girls and boys and in future, the person in charge of the hostel shall see that as per rules, without any breach of the rules or order, the hostel will be run. It is on these conditions the order passed on 12.4.1996 was set aside. Surprisingly, on 22.2.1997, at about 8.30 pm. when the District Social Welfare Officer, as per Rule 42 (iv) visited the Hostel, he noticed only 7 girls present in the Hostel, who were studying in standards 5 to 8. 'Gruhmata' was found absent and it appears that the girls were left at the mercy of Cook and Watchman. The officer also did not find any record or register of the said hostel. He also found that the hostel for boys and girls were being run together in the same premises. Not only that, 7 girls and 5 boys were staying together in one room, which is nothing but absolute breach of the rules. In paragraph 8 of the affidavit-in-reply, some more irregularities have been pointed out which are also of a very serious nature. Despite the order passed by the Deputy Secretary, the petitioner has continued to run the Hostel in the same old way, in breach of various rules and orders.

Mr. Mehta submitted that on 21st February 1997 everything was found in order. Even considering the submissions, this involves disputed questions of fact, which this Court would not like to entertain. Hence this petition requires to be dismissed.

Mr. Mehta, learned advocate submitted that the petitioner may be permitted to make a representation to the competent authority. The petitioner is permitted to make a representation to the competent authority, which shall be decided taking into consideration the reports made by the officers who visited the Hostel and the observations made in this order.

This petition is rejected with the above directions. Notice is discharged. No order as to costs.  
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